

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRUSTEES OF THE PLUMBERS AND GASFITTERS'
LOCAL UNION NO. 12 WELFARE, PENSION, ANNUITY,
VACATION & XMAS AND FRINGE BENEFIT FUNDS;
PLUMBERS AND GASFITTERS LOCAL 12; AND
PLUMBERS' UNION NO. 12 LABOR MANAGEMENT
COOPERATION TRUST FUND,

Plaintiffs - Creditors

VS.

McGLONE PLUMBING, INC.

Defendant - Debtor

Civil Action No.
05-CV-11510 (JGD)

October 11, 2006

**AGREEMENT
AND STIPULATION OF JUDGMENT**

Whereas, judgment dated January 18, 2006 in favor of Plaintiffs Trustees of the Plumbers and Gasfitters Local 12 Trust Funds entered against Defendant McGlone Plumbing, Inc. on January 25, 2006 and ordered that Plaintiffs recover from Defendant delinquent Funds contributions in the amount of **\$6,311.64**, late fees in the amount of **\$424.51**, costs in the amount of **\$295.18**, and attorneys fees in the amount of **\$1,400.00** for a total judgment of **\$8,431.33**, plus post-judgment interest as provided by law [Doc. 10].

ROBERT M. CHEVERIE & ASSOCIATES, P.C.

COMMERCE CENTER ONE • 333 EAST RIVER DRIVE • SUITE 101 • EAST HARTFORD, CT 06108 • (860) 290-9610 • FAX (860) 290-9611 • JURIS NO. 405719

Whereas, Defendant's failure to pay the judgment or respond to Plaintiffs' settlement offers caused Plaintiffs to duly serve upon Defendant a Notice for a Supplementary Process Hearing to determine Defendant's assets and ability to pay the judgment; and

Whereas, Defendant's failure to appear after being duly served and noticed of the aforementioned Hearing on August 1, 2006 caused the Court to issue a warrant for the arrest of Daniel T. McGlone, President and owner of Defendant McGlone Plumbing, Inc. and to bring him before the Court for the purpose of the Supplementary Process Hearing; and

Whereas, having failed to voluntarily appear after being noticed by the Federal Marshall, Daniel T. McGlone was arrested on October 4, 2006 and held until the Supplementary Process Hearing was conducted; and

Whereas, at the commencement of the Supplementary Process Hearing, Daniel T. McGlone, on behalf of the Defendant, represented to the Court his agreement to pay the judgment as described below and acknowledged that such Agreement has the force of a court order and, if breached in anyway, upon motion of the Plaintiffs, will subject him to contempt proceedings before this Court;

WHEREBY the above-captioned parties voluntarily agree as follows:

1. Daniel T. McGlone will pay the judgment at the rate of at least One Hundred Fifty Dollars (\$150.00) per month beginning on November 1, 2006 and will cause such payment to be made on the **first day of each subsequent month** until either the entire judgment or this Agreement has been fully satisfied. Each payment, if by check, will be made payable to "**Plumbers Local No. 12 Trust Funds**" and will be delivered to Plumbers Local No. 12 Trust Funds at 1230-1236 Massachusetts Avenue, Boston, Massachusetts 02125. Payment is due on the first (1st) day of each month and if the payment is not received on or before the seventh (7th) day of the month, Daniel T. McGlone will be in breach of this Agreement and subject to contempt proceedings.

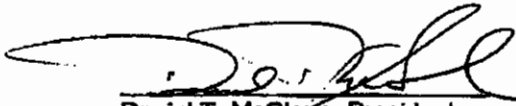
2. In light of the distressed nature of Defendant's business, Plaintiffs have agreed to waive a portion of the judgment, attorneys fees and costs, interest and late fees on the condition that Defendant pay the sum of **Five Thousand Eight Hundred Seventy-Nine Dollars and Fifty-Four Cents (\$5,879.54)** at the rate of at least \$150.00 per month, or more if possible. This sum represents the delinquent wages, pension, annuity and health benefits contributions owed by Defendant on behalf of William P. Hayward, Gary F. MacDougall, and Scott Smith, the three (3) plumbers employed by Defendant in July 2005 for which Funds contributions are due and owing.

3. In the event that McGlone Plumbing, Inc. fails to submit timely payments as described in Paragraph 1 above and to pay the sum of **\$5,879.54** at the rate of \$150.00 or more per month, Daniel T. McGlone, as President of Defendant McGlone

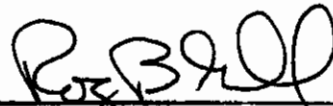
Oct 17 2006 12:19 PM FAX 000 400 0011 CLEVELAND & ASSOCIATES 781.843.4655 P.2
10/12/2006 THU 12:19 FAX 000 400 0011 CLEVELAND & ASSOCIATES 781.843.4655 P.2

Plumbing, Inc., acknowledges that he will be liable for the full judgment sum of \$8,431.33, post-judgment interest, accrued late fees, and the Plaintiffs' reasonable attorney fees and costs associated with the enforcement of the judgment, and will be subject to contempt proceedings before this Court.

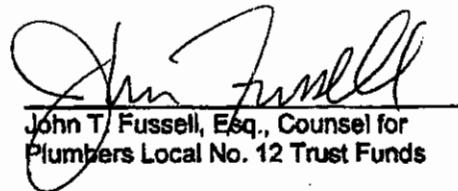
Signed this 16 day of October 2006:



Daniel T. McGlone, President
McGlone Plumbing, Inc.
111 French Avenue
Braintree, MA 02184
617-799-8036

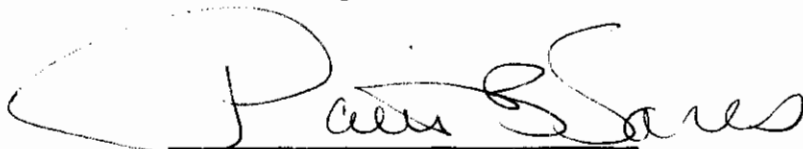


Roger B. Gill, Administrator, Trustee
Plumbers Local 12 Trust Funds
1230-1236 Massachusetts Avenue
Boston, MA 02125
617-288-5400



John T. Fussell, Esq., Counsel for
Plumbers Local No. 12 Trust Funds

It is so ordered:



PATTI B. SARRIS
United States District Judge